

07-07-06

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
15436.247.11.1

IN THE APPLICATION OF: Hofmeister et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/697,395	October 30, 2003	Kenneth J. Malkowski	022913	2633	7465

Title: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

**OR**

the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
**(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
**15436.247.11.1**

In Re Application of: **Hofmeister et al.**

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<b>10/697,395</b>	<b>October 30, 2003</b>	<b>Kenneth J. Malkowski</b>	<b>022913</b>	<b>2633</b>	<b>7465</b>

Title: **AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES**



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
  - Charge the amount of \_\_\_\_\_
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  - Charge any additional fee required.
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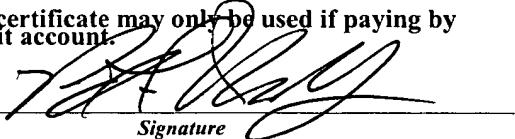
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Dated: July 6, 2006

Peter F. Malen, Jr.  
 Attorney for Applicants  
 Reg. No. 45,576  
 Telephone No. 801-533-9800

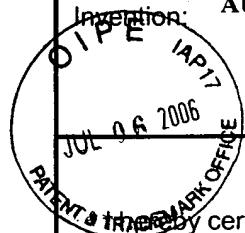
CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Hofmeister et al.

Docket No.

15436.247.11.1

Application No.  
10/697,395Filing Date  
October 30, 2003Examiner  
Kenneth J. MalkowskiCustomer No.  
022913Group Art Unit  
2633**AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES**I, Gina Meredith, hereby certify that the following correspondence:

Information Disclosure Statement (2 pgs); Form 1449 (8 pgs); copies of 31 non-patent references; Transmittal Letter (2 pgs in duplicate); Credit Card Payment Form and Postcard

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 6, 2006  
(Date)**Gina Meredith**

(Typed or Printed Name of Person Mailing Correspondence)

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EXPRESS MAIL LABEL NO.: EV 397846474 US

PATENT APPLICATION  
Docket No.: 15436.247.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hofmeister et al.

Serial No.:	10/697,395	) Art Unit
Filed:	October 30, 2003	) 2633
Confirmation No.:	7465	)
For:	AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES	)
Examiner:	Kenneth J. Malkowski	)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is  
07/10/2006 HDESTA1 00000104 10697395

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presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed non-patent references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations known by the undersigned to be within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

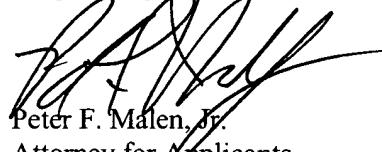
Since all listed references are either in the English language, or are accompanied by either a translation into English, or an English language Abstract, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Submission Fee  
Under 37 C.F.R. § 1.97(c)

In accordance with 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 to cover the submission fee is enclosed to secure consideration of the references submitted with this Information Disclosure Statement. Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 6<sup>th</sup> day of July, 2006.

Respectfully submitted,

  
Peter F. Malen, Jr.  
Attorney for Applicants  
Registration No. 45,576  
Customer No. 022913  
Telephone No. 801-533-9800

PFM/gpm

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For:

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
DEVICESINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
____ 1	4,359,553	11/16/1982	Edwards
____ 2	4,378,451	03/29/1983	Edwards
____ 3	4,687,924	08/18/1987	Galvin et al.
____ 4	4,734,914	03/29/1988	Yoshikawa
____ 5	4,747,091	05/24/1988	Doi
____ 6	4,809,286	02/28/1989	Kollanyi et al.
____ 7	4,916,707	04/10/1990	Rosenkranz
____ 8	5,019,769	05/28/1991	Levinson
____ 9	5,039,194	08/13/1991	Block et al.
____ 10	5,041,491	08/20/1991	Turke et al.
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____ 12	5,287,375	02/1994	Fujimoto
____ 13	5,334,826	08/02/1994	Sato et al.
____ 14	5,383,208	01/17/1995	Queniat et al.

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
DEVICES

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_____ 16	5,396,059	03/07/1995	Yeates
_____ 17	5,448,629	09/05/1995	Bosch et al.
_____ 18	5,516,563	05/14/1996	Schumann et al.
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_____ 20	5,574,435	11/12/1996	Mochizuki
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_____ 22	5,594,748	01/14/1997	Jabr
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_____ 24	5,673,282	09/30/1997	Wurst
_____ 25	5,748,672	05/1998	Smith et al.
_____ 26	5,761,216	06/02/1998	Sotome et al.
_____ 27	5,801,866	09/01/1998	Chan et al.
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_____ 29	5,926,303	07/20/1999	Giebel et al.
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_____ 31	5,956,168	09/21/1999	Levinson et al.
_____ 32	5,966,395	10/1999	Ikeda
_____ 33	6,049,413	04/2000	Taylor

Examiner:

Date Considered:

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Att'y Docket No.: 15436.247.11.1

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Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
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_____ 34	6,055,252	04/2000	Zhang
_____ 35	6,064,501	05/16/2000	Roberts et al.
_____ 36	6,157,022	12/05/2000	Meada et al.
_____ 37	6,160,647	12/12/2000	Gilliland et al.
_____ 38	6,175,434	01/2001	Feng
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_____ 46	6,423,963	07/23/2002	Wu
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_____ 51	6,570,149	05/2003	Maruyama et al.
_____ 52	6,594,050	07/2003	Jannson et al.

Examiner:

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DEVICES

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____ 54	6,643,472	11/2003	Sakamoto et al.
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____ 58	6,937,949	08/30/2005	Fishman et al.
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Examiner <u>Initial*</u>	Document <u>Number</u>	Pub. <u>Date</u>	<u>Name</u>
____ 63	2001/0046242	11/29/2001	Kawakami et al.
____ 64	2001/0046243	11/29/2001	Schie
____ 65	2002/0027688	03/07/2002	Stephenson
____ 66	2002/0097468	07/25/2002	Mecherle et al.
____ 67	2002/0101641	08/2002	Kurchuk

Examiner:

Date Considered:

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For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
DEVICES

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____ 69	2002/0129379	09/2002	Levinson et al.
____ 70	2002/0149821	10/17/2002	Aronson et al.
____ 71	2002/0181519	12/2002	Vilhelmsson et al.
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____ 74	2003/0113118	06/19/2003	Bartur
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____ 76	2003/0210917	11/13/2003	Stewart et al.
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____ 81	2004/0240886	12/02/2004	Aronson et al.
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____ 83	2005/0031352	02/10/2005	Light et al.
____ 84	2005/0058455	03/17/2005	Hosking et al.

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Date Considered:

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For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
DEVICESForeign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
____ 85	JP 402102589 A	04/16/1990	Japan
____ 86	JP 404023373 A	01/1992	Japan
____ 87	06209209 A	07/26/1994	Japan (Abstract)
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____ 89	WO 98/00893	01/08/1998	PCT
____ 90	WO 98/00943	08/01/1998	PCT
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____ 96	WO/2004/098100	11/11/2004	PCT
____ 97	EP 1471671 A2	12/27/2004	EPO
____ 98	JP 58140175 A (abstract)	08/19/1983	Japan
____ 99	JP 62124576 A (abstract)	06/05/1987	Japan
____ 100	JP 62235975 A (abstract)	10/16/1987	Japan
____ 101	JP 62281485 A (abstract)	12/07/1987	Japan

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Date Considered:

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For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC  
DEVICESOther Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial\*

\_\_\_\_ 102 Yi Cai et al., "Jitter testing for gigabit serial communication transceivers," Jan – Feb 2002, IEEE Design and Test of Computers, Vol. 19, Issue 1, pp 66-74.

\_\_\_\_ 103 MAEDA, Noriyuki "Notification of Reason(s) for Refusal," Japanese Patent Application No. JP2002-563630, Nakamura, M. et al., July 13, 2005.

\_\_\_\_ 104 Finisar Corp., "App. Note AN-2025: Using the Finisar GBIC I<sup>2</sup>C Test Diagnostics Port," 1998.

\_\_\_\_ 105 Hausdorf, Reiner, "Mobile Transceiver Measurements with Radiocommunication Service Monitor CMS," News from Rohde & Schwarz, 127, IV, 1989, pp 4-7.

\_\_\_\_ 106 Webopedia: The 7 Layers of the OSI Model [online] [retrieved 10/15/03]. Retrieved from Internet: URL: [http://webopedia.internet.com/quick\\_ref/OSI\\_Layers.asp](http://webopedia.internet.com/quick_ref/OSI_Layers.asp)

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\_\_\_\_ 109 Webopedia.com: 12C [online] [retrieved 11/11/03]. Retrieved from Internet: URL: <http://www.webopedia.com/TERM/I/12C.html>

\_\_\_\_ 110 Manchester Encoding [online] [retrieved 11/12/03]. Retrieved from Internet: URL: <http://www.erg.abdn.ac.uk/users/gorry/course/phy-pages/man.html>

\_\_\_\_ 111 Documentation entitled "IR Receiver ASSP: T2525", copyright 2003 by Atmel Corporation

Examiner:

Date Considered:

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DEVICES

Att'y Docket No.: 15436.247.11.1

Group: 2633

\_\_\_\_ 112 Documentation entitled "IR Receiver for Data Communication: U2538B", copyright 2003 by Atmel Corporation

\_\_\_\_ 113 Documentation entitled "Low-Voltage Highly Selective IR Receiver IC: T2527", copyright 2002 by Atmel Corporation

\_\_\_\_ 114 Documentation entitled "Application Note: T2525/26/27", copyright 2003 by Atmel Corporation

\_\_\_\_ 115 *Optiport SFF BiDi-Transceiver 100 Mbit/s, 1310 nm Tx/1550 nm Rx, Infineon Technologies, June 22, 2004, pp. 1-14.*

#### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

GPM0000002372V001

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.